

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ERNEST MANUEL BOLOM VAZQUEZ,)	
)	
Petitioner)	
)	
v.)	Case No. CIV-25-1191-J
)	
RUSSELL HOLT et al.,)	
)	
Respondents.)	

REPORT AND RECOMMENDATION

Ernest Vazquez seeks habeas corpus relief under 28 U.S.C. § 2241. (ECF No. 1). United States District Judge Bernard M. Jones, II referred the matter to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B), (C). Because Petitioner is no longer in custody and this Court can grant no relief to Petitioner, the undersigned recommends the Court dismiss the petition as moot.

I. SCREENING REQUIREMENT

The Court is required to review habeas petitions promptly and to “summarily dismiss [a] petition without ordering a responsive pleading,” *Mayle v. Felix*, 545 U.S. 644, 656 (2005), “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court.” *See* R. 4, R. Governing § 2254 Cases in U.S. Dist. Ct.¹

¹ The district court may apply any or all of the Rules governing § 2254 cases to a habeas petition brought under § 2241. R. 1(b), R. Governing § 2254 Cases in U.S. Dist. Ct.

II. PETITIONER'S CLAIMS

In his Petition, Mr. Vazquez states that he has resided in the United States since approximately 2008. (ECF No. 1:11). On July 30, 2025, Immigrations Custom and Enforcement (ICE) took custody of Petitioner and detained him at the Kay County Detention Center in Newkirk, Kay County, Oklahoma. (ECF No. 1:11). ICE officials charged Petitioner in Immigration Court as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection. (ECF No. 1:11). As such, ICE officials detained Petitioner under 8 U.S.C. § 1225(b)(2)(A). (ECF No. 1:2-3). At a custody hearing, Petitioner requested an immigration bond, which was denied. (ECF No. 1:12).

In the Petition, Mr. Vazquez presents two grounds: (1) that his continued detention violates the Immigration and Nationality Act (INA); i.e.—that the mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to him and (2) that his detention without a bond determination hearing violates the basic principles of Due Process. (ECF No. 1:12-13). As relief, Petitioner requests: (1) a declaration that his detention is unlawful; (2) Orders from this Court preventing Petitioner's transfer outside of the Western District of Oklahoma and an Order to show cause to Respondent regarding why the Petitioner should not be granted in three days; (3) the issuance of the habeas corpus writ requiring that Respondents release Mr. Vazquez or provide him with a bond hearing; and (4) attorney's fees and costs under the Equal Access to Justice Act. (ECF No. 1:14).

III. DISMISSAL OF THE PETITION

A § 2241 petition must be filed in the district where the prisoner is confined. *Brace v. United States*, 634 F.3d 1167, 1169 (10th Cir. 2011). “[J]urisdiction attaches on the initial filing for habeas corpus relief, and it is not destroyed by a transfer of the petitioner and the accompanying custodial change.” *Santillanes v. U.S. Parole Comm’n*, 754 F.2d 887, 888 (10th Cir. 1985); *cf. Rumsfield v. Padilla*, 542 U.S. 426, 442 (2004). However, “[t]he writ of habeas corpus shall not extend to a prisoner unless . . . he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). “[T]he ‘in custody’ requirement of § 2241 is satisfied” if a petitioner files the habeas application while they are incarcerated. *King v. Ciolli*, 2024 WL 1179908, at *2 (10th Cir. Mar. 19, 2024) (citing *Spencer v. Kemna*, 523 U.S. 1, 7 (1998), & *Riles v. INS*, 310 F.3d 1253, 1256 (10th Cir. 2002)).

Petitioner was confined in this district when he filed his § 2241 petition. *See* ECF No. 1. However, Respondents have informed the Court that on October 28, 2025, an Immigration Judge granted Petitioner’s request for cancellation for removal and released him from custody. *See* ECF Nos. 9:1, 9-1. Petitioner filed a reply, confirming that “Petitioner’s request was granted by an Immigration Judge on October 28, 2025 . . . [and] Petitioner was released from custody . . . [and] Petitioner is in agreement that this case has been rendered moot due to the Immigration Judge’s order.” (ECF No. 11). Accordingly, Petitioner stated that he was amenable to dismissal. (ECF No. 11).

Although this Court’s jurisdiction attached when Petitioner filed his habeas corpus petition, his release from custody renders his petition moot. Under Article III of the

Constitution, federal courts may only adjudicate live controversies. *See Alvarez v. Smith*, 558 U.S. 87, 92 (2009) (“An actual controversy must be extant at all stages of review, not merely at the time the complaint is filed.” (*quoting Preiser v. Newkirk*, 422 U.S. 395, 401 (1975))). A case becomes moot “if an event occurs while a case is pending . . . that makes it impossible for the court to grant ‘any effectual relief whatever’ to a prevailing party” *Church of Scientology v. United States*, 506 U.S. 9, 12 (1992) (*quoting Mills v. Green*, 159 U.S. 651, 653 (1895)). “Mootness . . . is a fundamental bar to judicial review that must be accounted for at all stages of a proceeding, and applies in habeas as in any other type of litigation.” *Miller v. Glanz*, 331 F. App’x 608, 610 (10th Cir. 2009).

A habeas petition does not become moot, however, merely because a petitioner is no longer in custody. Rather, the relevant inquiry is whether the petitioner is subject to collateral consequences “adequate to meet Article III’s injury-in fact requirement.” *King*, 2024 WL 1179908, at *2 (*quoting Spencer*, 523 U.S. at 14). Once Respondents released Petitioner from their custody, he no longer had a redressable injury arising from his detention. *See id.* (holding that a “petitioner must demonstrate some concrete and continuing injury” to overcome mootness after release from custody (*quoting Spencer*, 523 U.S. at 7)). But Petitioner has not identified any such collateral consequences, and the parties agree that Mr. Vazquez’ release from custody has, indeed, rendered the Petition moot. As a result, the Court should dismiss the petition as moot.

IV. RECOMMENDATION AND NOTICE OF RIGHT TO OBJECT

Based upon the foregoing analysis, it is recommended that the Petition be **DISMISSED** as moot.

The parties are advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court by **November 20, 2025**, in accordance with 28 U.S.C. § 636 and Fed. R. Civ. P. 72. Petitioner is further advised that failure to make timely objection to this Report and Recommendation waives the right to appellate review of both factual and legal issues contained herein. *Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010).

V. STATUS OF REFERRAL

This Report and Recommendation terminates the referral by the District Judge in this matter.

ENTERED on November 6, 2025.



SHON T. ERWIN
UNITED STATES MAGISTRATE JUDGE